

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Internet-Based Telecommunications Relay Service Numbering	)	WC Docket No. 10-191
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

To: The Commission

**COMMUNICATION SERVICE FOR THE DEAF  
PETITION FOR LIMITED WAIVER OF 47 C.F.R.  
SECTIONS 64.613(A)(1), 64.613(A)(2), 64.613(A)(4),  
64.613(B)(2) AND 64.623(C) OF THE COMMISSION'S  
REGULATIONS**

Faye Kuo  
Chief Legal Officer

David J. Bahar  
Director of Public Policy and  
Government Affairs

Communication Service for the Deaf  
200 W. Cesar Chavez St.  
Ste. 650  
Austin, TX 78701

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## **EXECUTIVE SUMMARY**

Communication Service for the Deaf (“CSD”) is a multinational non-profit company with a lengthy track record of advancing communication access for the Deaf and hard of hearing. CSD first operated a telecommunications relay services (“TRS”) contact center staffed by volunteers in the state of South Dakota in 1976, and subsequently with paid employees under a contract with the state of South Dakota in 1988, prior to TRS becoming a reimbursable nationwide service administered under the Americans with Disabilities Act in 1990. CSD later established the first video relay services (“VRS”) contact centers in the nation and became the first officially recognized provider of VRS by the Federal Communications Commission (“FCC”).

CSD also established and operated the first-of-its-kind direct video communications (“DVC”) contact center in 2010 under a grant from the National Telecommunications and Information Administration’s (“NTIA”) Broadband Technology Opportunity Program (“BTOP”). CSD’s BTOP contact center had 33 seats, and over the life of the grant program, facilitated over 14,000 contacts with members of the Deaf and hard of hearing community. The benefits of DVC have been well established by the Commission, in that it provides the Deaf and hard of hearing with a more equivalent 1-on-1 communications experience with government agencies and corporations, satisfying a Congressional directive<sup>1</sup>, and reduces reliance on, and the financial burden to, the TRS Fund by providing TRS users with alternative options for placing calls.

In accordance with the Commission’s support for DVC, a new generation of communications access for the Deaf and hard of hearing, pursuant to 47 C.F.R. § 1.3 of the Commission’s rules, CSD herein respectfully requests a limited waiver of sections 47 C.F.R. § 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), 64.613(b)(2) and 64.623(c) to allow the Interstate Telecommunications Relay Service (“TRS”) Numbering Directory administrator to provide CSD limited access to the TRS Numbering Directory in order to provision ten-digit telephone numbers on behalf of CSD’s DVC clients.

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<sup>1</sup> 47 U.S.C. § 225

## **I. BACKGROUND**

### The TRS Numbering Directory.

The Commission established the TRS Numbering Directory (“TRS Directory”) to require the assignment of ten-digit telephone numbers to IP relay service endpoints,<sup>2</sup> allowing for, among other things, VRS users to use ten-digit telephone numbers to dial other VRS users.

In the interest of maintaining the integrity of the TRS Directory, the Commission in 47 C.F.R. § 64.613(a)(4) limited TRS directory access to the administrator of the directory as well as to certified IP-enabled relay providers, and further limited in § 64.613(a)(1) the nature of the numbers that could be provisioned into the TRS Directory to “(r)egistered Internet-based TRS user(s).”

### Encouragement of DVC services.

With the TTY’s gradual decline in popularity after the establishment of VRS, the ability to contact Federal agencies or businesses through their “TTY lines” ceased to be an option for many Deaf and hard of hearing individuals who gave up their TTYs to use newer relay technologies like VRS. Along with the FCC, the Small Business Administration (“SBA”), Census Bureau, and Equal Employment Opportunity Commission (“EEOC”), to name a few, have recently established ASL support lines.

According to the FCC’s data from the operation of their internal ASL Customer Support Line, the availability of a non-VRS, direct method of connecting with FCC staff in ASL led to a 533% increase in the number of incoming calls from the Deaf and hard of hearing community, and the average length of calls decreased by 42%. These numbers reveal several important considerations: that 1-on-1 interaction in ASL is naturally more efficient – leading to less communication difficulties and quicker calls -- than using VRS, and that Deaf and hard of hearing customers prefer 1-on-1 access to resources, utilizing them more frequently when they are made available. Given that the clear majority of the telephone numbers most frequently called by VRS users belong to government agencies or large corporations – entities that on

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<sup>2</sup> See Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers, CG Docket No. 03-123; WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, (2008) (First Internet-based TRS Order.)

balance are financially capable of fielding multiple-seat DVC call centers – the Commission has a clear interest in, and a strong argument for, encouraging such government agencies and large corporations to build out the capability of directly supporting their Deaf and hard of hearing customers through DVC.

## II. DISCUSSION

CSD is the largest non-profit entity in the United States serving the Deaf and hard of hearing community, and maintains operations in several foreign countries, including New Zealand. Among other lines of business, CSD staffs and operates certain relay call centers for a certified provider, but, as it is not itself a certified provider, does not have access to the TRS Directory.

As previously summarized, CSD has a long history of operating contact centers of various types, including customer support centers, various types of TRS centers, and customer outreach centers, reaching as far back as 1976. As of 2014, CSD’s call centers have cumulatively handled more than 1 billion minutes of calls. CSD has long been out of the VRS market, and currently operates Sprint Relay’s call centers for TTY, IP-Relay, and Captel, as well as a call center supporting the California Telephone Access Program (“CTAP”).

CSD is well positioned with the appropriate institutional capacity to establish DVC contact centers, and in 2015, CSD launched a DVC program, as of 2017 internally referred to as “Connect Direct,” which is actively being marketed to government agencies and corporations large and small. CSD believes that DVC represents the next great generational leap in communication access for the Deaf and hard of hearing community, following TRS and VRS, and has the potential to at long last provide the Deaf and hard of hearing community with a communications experience that is equivalent to that of their hearing peers. To that extent, CSD is in active negotiations to operate DVC call centers for several entities, including a Fortune 500 company.

Currently, and acknowledging the Commission’s January 17, 2017 *Further Notice of Proposed Rulemaking*<sup>3</sup> in which it asks for comment on providing access to the TRS Database to providers of DVC customer support services, entities wishing to establish DVC services must

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<sup>3</sup> Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, (Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order) CG Docket Nos. 10-51 and 03-123, FCC 17-26, released March 23, 2017.

work with a certified IP-enabled relay provider to provision the ten-digit telephone number associated with the DVC program into the TRS Directory. Doing so allows Deaf and hard of hearing individuals to use their VRS-provided video endpoints to dial into a DVC program using a ten-digit telephone number provisioned for the DVC program.

However, pending potential Commission action on this particular issue, access to the TRS Directory continues to be restricted in § 64.613(a)(4) only to certified IP-enabled providers -- with the sole exceptions of MITRE, the TRS Numbering Directory administrator, and VTCSecure -- who have been placed in the uncomfortable position of provisioning into the TRS Directory numbers for DVC services, including for instance the FCC's own ASL Consumer Support Line" that have the potential for directly competing with the Internet-enabled relay calls that comprise the entirety of their revenue. § 64.613(a)(1) precludes numbers belonging to *entities* as opposed to *TRS users* from being provisioned into the TRS Directory; § 64.613(a)(2) likewise restricts provisioned numbers to those belonging to *TRS users*, precluding the presence of numbers belonging to *entities* such as those providing DVC services. For CSD to effectively support DVC operations, these rules as well as those binding the TRS Numbering Directory administrator<sup>4</sup> must be waived.

In processing DVC calls, and as a provider of DVC operations, CSD acknowledges that it may be required to file a Form 499 with the Commission, and commits to doing so if and when applicable. CSD also acknowledges that it will be subject to consumer proprietary network information ("CPNI") rules when accessing the TRS Numbering Directory, as well as VRS interoperability requirements, as are VRS providers.

The Commission's rules provide that the Commission may waive any part of its rules "if good cause therefor is shown"<sup>5</sup> and "may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest."<sup>6</sup> CSD asks that the Commission waive 47 C.F.R. § 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), 64.613(b)(2) and 64.623(c) to allow CSD to provision ten-digit telephone numbers for its DVC clients into the TRS Directory.

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<sup>4</sup> see 47 C.F.R. § 64.613(b)(2) and 47 C.F.R. § 64.623(c)

<sup>5</sup> 47 C.F.R. § 1.3.

<sup>6</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990), citing *WAIT Radio v. FCC*, 418 F.2d

The grant of this waiver request clearly serves the public interest as provisioning CSD's clients' numbers into the TRS Numbering Directory allows the community of IP-enabled relay service users to call into the client's DVC program, providing relief to relay services and enabling greater communication choice for Deaf and hard of hearing users. For DVC services utilized by large numbers of individuals, the cost savings to the TRS Fund can be substantial. As the Commission well knows, DVC provides relay users with an alternative telecommunications experience equivalent to that of non-relay users; further, bypassing relay services in favor of 1-on-1 communication carries several important benefits: higher rates of successfully resolved calls; shorter, more efficient calls; and less call-backs.

CSD further requests that the Commission consider and act upon this waiver request expeditiously; while CSD understands that the Commission's January 17, 2017 *Further Notice of Proposed Rulemaking* seeks to determine whether to modify the Commission's rules to allow DVC customer support service providers to access the TRS Directory, if the Commission does not anticipate issuing, in the very near future, an Order to modify its rules to allow DVC customer support service providers to access the TRS Director, CSD requests that this waiver request be acted upon as soon as is practicable so that CSD may begin DVC operations for its clients.

### **III. CONCLUSION.**

CSD requests that the Commission grant waivers of the rules discussed herein and allow the TRS Directory Administrator to grant CSD access to provision ten-digit telephone numbers into the TRS Numbering Directory to support its DVC operations.

Respectfully submitted,  
COMMUNICATION SERVICE FOR THE DEAF, INC.

/s/ FAYE KUO

Chief Legal Officer

/s/ DAVID J. BAHAR

Director of Public Policy and Government Affairs